

**Saginaw Tittabawassee Rivers Contamination CAG
Summary of Full CAG Meeting
Saginaw Valley State University - Curtiss Hall
Monday, May 17, 2010, 6:15 PM – 9:00 PM**

CAG Members, and Ex-Officio Members Present

Drummond Black
Charles Curtiss
Michelle Hurd-Riddick
Deborah Huntley
Ryan Jankoska
Lemetria Johnson-Eaddy
Wendy Kanar
Judith Lincoln
Jan McGuire
David Meyer
Laura Ogar
Joel Tanner
Paul Vasold
William Webber

Ex-Officio Members Present

Todd Konechne, Dow Chemical
Wendy Carney, US EPA
Al Taylor, Michigan DNRE
Joe Hass, USFWS

CAG Members Absent

Ronald Campbell
Carol Chisholm
Michael Espinoza
Leonard Heinzman
Michael Kelly
Annette Rummel
Daniel Sosa
Michelle Steele

Ex-Officio Members Absent:

Mary Logan, US EPA

Support and Agency Staff Present:

Diane Russell, US EPA
Cheryl Howe, DNRE
Lisa Williams, USFWS
Don De Blasio, US EPA
Janelle Pistro, AKT Peerless

Doug Sarno called the Meeting to order at 6:10 PM. He provided a review of the agenda and introduced speakers and members and guests introduced themselves. Agenda included the following:

- Introduction to the Community Involvement Plan
- Overview of Natural Resource Damages Process
- Discussion of CAG Resource
- Updates and Scheduling of Future Events
- Public Questions and Comments

1. Introduction to the Community Involvement Plan

Don De Blasio of USEPA presented an introduction to the Community Involvement Plan (CIP) for the site. The draft CIP for the site will be available prior to the next CAG meeting. He explained that Superfund community involvement ensures that people affected by the site should have say in cleanup decisions.

The first step was to conduct community interviews to ask about the knowledge and impacts of the site and the best way to communicate to people in affected area. More than two dozen interviews were conducted which helped to identify the CAG as an important part of community involvement. EPA also looked at other similar sites to see what types of involvement was most effective.

The CIP can include a wide range of activities including public meetings and workshops, web sites, working with the CAG, independent technical assistance, and informing the community through media and listserves. EPA looked at available information and research and pared it down to identify the types of activities that may be used here. The CIP from Hudson River Superfund site was shared with the group and is also available on line. Doug noted that CAGs often play a significant role in community involvement and the CAG should consider ways that it wants to participate. EPA noted that it is important for the CAG to look at the forthcoming draft CIP to make sure EPA is hitting the right tools, and to consider how the CAG can also help communicate information and obtain broader public input to issues.

Key Questions and comments related to this presentation included:

- The news media is very thin in the region and may be affecting what is getting out.
- Many people who have no idea of what is going on, our goal should be to get people interested who haven't been interested before.
- When talking about the community involvement plan, how CAG can talk to sub-groups? It was noted that CAG members can be quite helpful in reaching out to many parts of the community and EPA welcomes this cooperation. CAG activities are not intended to substitute for EPA activities and communication, but to enhance this work.

- Much of the regional population are not going to search for information and are also unlikely to use the internet. The CAG could be very helpful in creating and disseminating basic information.
- Part of the reason we were selected as CAG members is because of our connections to different organizations and networks and it is important that we use these.
- We need some common information and materials to take out to community so we are giving the same messages. Before we talk about community involvement, we need a common set of messages and a communication plan (it was noted that the communication plan will be in the CIP). For instance, someone asked me what the schedule was and I have no idea – EPA needs to give us that information so we can disseminate information.
- We need to better communicate CAG member names to community members so that people have a way to contact us.
- It is important to note that people don't care about CAG, they want to know what is happening with the project.
- The CAG will play a role in the upcoming public meeting, we will want to have a discussion of that role at the next CAG meeting.
- We need to make detailed information into something digestible.
- Newspapers are still a good source for information. We can publish sections for questions for public and provide answers.
- People are interested in the project. It would be very useful for CAG members to get information prior to press releases. We need information that is deliverable to general public so we can help explain issues as they arise.
- The CAG may want to consider establishing a community involvement subgroup.
- We also may want to have CAG members attend existing community events.

2. Natural Resource Damages

Joe Haas of the Fish and Wildlife Service provided an overview of the natural resource damage assessment process.

Natural Resources Damage Assessment and Restoration (NRDAR) is a part of CERCLA, the same law that gives Superfund its authority also gives the authority for government agencies to act on behalf of public in assessing and repairing damages to natural resources. The goal of NRDAR is to restore injured natural resources and the services they provide which means restore, rehabilitate, replace or require the equivalent.

We determine injury through time to natural resources due to release of oil or hazardous substances and assess damages for injuries to recover and restore these resources. Injury is considered any measurable or observable adverse change in the quality, viability, or value of natural resources and the services they provide. Services are the beneficial outcomes that result from natural resources and ecosystem function.

Damages are collected from the responsible parties to include the costs of restoration and assessments.

There is no cookie cutter way to approach any NRDAR cases and each case is approached differently. The Tittabawassee River NRDAR Trustee council includes DNRE, Saginaw Chippewa Indian Tribe, and the director of USFWS. EPA is not a trustee as they have a different mission, which is to respond to the cleanup itself. In addition, the FWS is trustee over certain wildlife sources and the state is the trustee for groundwater. There are also environmental regulations that govern water such as the Clean Water Act for which EPA is responsible. Fish Advisories are also a tool in which to address water conditions.

The trustees published plan in April 2008 which included an approach for NRDAR at the site and addresses losses caused by natural resources injuries. This plan can be found on the FWS site and is linked to the EPA site and vSpace.

Next steps are that the trustees are conducting a scoping process with Dow, DNRE, and EPA and assess potential injuries that need to be considered. The Trustees' authorities do not change with EPA's involvement. They are coordinating efforts with EPA and will assess how removal actions will affect the resource.

Key Questions and comments related to this presentation included:

- Part of the injury analysis should be to determine how people have not used the river over the years because of its status. Some young people view the Tittabawassee as a throw-away place and it makes it difficult to include it as part of any economic development plan.
- People who live on river have a different view and it would be interesting to know how common this negative view really is.
- Is it true that the damage assessment can't be finished until cleanup is finished? Not the full cleanup, but it will not be complete until the RI/FS is complete. However, even though assessment can't be finished until a cleanup plan is finished, EPA plans to work with trustees to make sure restoration is reached quicker. A lot of the restoration work can be merged with cleanup so that at the end of the process many things will be done.

3. CAG Business

Approval of Meeting Summaries

The March and April summaries were approved.

CAG Notebooks

CAG notebooks were distributed. They are designed to be flexible and hold key information. All presentations will be posted after each meeting and we will try to get review documents and presentations to folks before the CAG meeting.

Values Statement

The values statement was adopted and the final version is in the CAG notebook.

VSpace

Everyone should have access information, if not contact Deb Huntley.

The CAG VSpace site is: <https://vspace.svsu.edu/portal>

If you want to be notified as a comment is posted you click the box at end of comment box "notify when a reply is posted"

You can also request notification when a document is posted.

If you have any problems, you can contact tech support, they are very helpful.

Wendy Carney – does this system require to change passwords? Deb – don't think that applies to outside users

Technical Assistance Plan

- It was decided that the CAG will pursue the TAP under the format that Dow will pay contractors directly.
- The application will be due July 2 and EPA is targeting mid-August target to implement the TAP.
- The CAG will need to figure out how to organize and pay for basic things like administration.
- The CAG also needs to understand any basic liability issues as members.
- Doug will contact the HQ TAP expert to get clarification on incorporation requirements and examples of successful applications.
- It was decided that the CAG should pursue incorporation as a non-profit and David Meyer would provide pro-bono assistance in doing this.
- It was decided to ask EPA if there is any room to extend the filing deadline.
- The Leadership Team will take the lead in completing the application with Doug's assistance.

Note-taker

It was decided to ask Blair Geiskin to serve as note-taker for future meetings. Doug Sarno will continue to produce all final summaries for review, and the CAG will have final approval over all summaries.

4. Updates and Scheduling

Groundwater Sampling

- The US Army Corps began dredging today and EOA will be finishing up its commitment to municipal water supply sampling next week.
- Questions were asked about sediment sampling. The Corps does some sampling in advance of dredging and before depositing.

Scheduling Tour

- It was explained that the tour would only be able to go one direction and would take 3 to 4 hours and require three boats.

- It was decided to hold the tour, that it would not be mandatory and to do it on a weekday evening with a possible backup date for bad weather.
- It was asked that maps be available to show possible segmentations and that EPA and DNRE be there to point out areas of concern.

5. Public comments

Terry Miller asked when a public meeting would be held. Two months from now is too late – we need meeting with public in June and a month-by-month display for this season. Another public meeting should be held this Fall for accountability for what was planned to be done this summer. Part of the UMDES study was published in Environmental Health discussing beef consumption as a direct exposure to dioxin. What agricultural products should we be concerned about here?

Dr Sheehan noted that dioxin molecules are byproducts of chlorine manufacture and they haven't made chlorine at Dow in over 30 years and the levels have gone down. As far as beef being raised there – I have practiced medicine over 50 years and haven't found one doctor that can point to one case to directly point to dioxin poisoning. The best thing to mediate that toxin is sun, wind and water and that mediates it over a period of time. Another thing that strikes me is that they are finding mink along the Tittabawassee river and they are one of the most sensitive animals to toxins. Time takes care of everything. Digging it up is the biggest problem. Without Dow, what would we have in this area. If they provide jobs and bring the economy to this area – we don't need to eat the fish out of the Tittabawassee.

A river resident asked what are the safe levels in Dioxin if you own property along the river, when is it a risk factor. EPA noted there is not a single number but there are multiple factors to consider: number of years you're exposed, how you are exposed, as well as concentrations and types of contaminants. The regulatory numbers of 72 ppt and 90 ppt are conservative numbers. While some dioxin effects can appear immediately, at this site EPA is concerned with the long-term effects that may not be obvious for years.

The meeting adjourned at 9:03 PM